

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF VIRGINIA
ABINGDON DIVISION**

Bryant Kelly Pride, Pro Se Defendant.

The defendant, Bryant Kelly Pride, was convicted by a jury of possession with intent to distribute or distribution of cocaine base in excess of fifty grams in violation of 21 U.S.C.A. § 841(a)(1), (b)(1)(A) (West 1999 & Supp. 2007). On October 5, 2007, he was sentenced to the statutory mandatory minimum term of life imprisonment, based on his prior convictions for felony drug offenses. *See id.* The defendant has appealed, but that appeal has not yet been determined.

The defendant has now filed a pro se Motion for Reduction of Sentence, pursuant to the provisions of 18 U.S.C.A. § 3582(c)(2) (West 2000).

Pursuant to its statutory authority, the United States Sentencing Commission has amended the advisory sentencing guidelines applicable to criminal cases involving cocaine base or crack cocaine, effective November 1, 2007. On December 11, 2007, the Sentencing Commission further decided that, effective March 3, 2008,

the amended guideline provisions will apply retroactively to offenders who were sentenced under prior versions of the sentencing guidelines, and who are still incarcerated. Stated generally, the practical effect of the Sentencing Commission's actions is that certain federal defendants convicted of offenses involving crack cocaine may be eligible for a reduction in their current sentences, pursuant to the provisions of § 3582(c)(2).

The amended guidelines do not apply to the defendant in this case because he was sentenced to the mandatory minimum, which was unaffected by the Sentencing Commission's actions, and remains the same.

Accordingly, the defendant's motion (#79) must be denied.

A separate order will be entered.

DATED: October 24, 2008

/s/ JAMES P. JONES
Chief United States District Judge